

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER BEHREND,

Plaintiff,

v.

SAN FRANCISCO ZEN CENTER, INC., et
al.,

Defendants.

Case No. 21-cv-01905-JSC

ORDER TO REATTEMPT SERVICE

Re: Dkt. No. 14

On June 23, 2021, the Court completed its 28 U.S.C. § 1915 screening of Plaintiff's complaint and ordered service on Defendants. (Dkt. No. 9.) On July 29, 2021, the U.S. Marshal returned the summons unexecuted as to all four Defendants, indicating they could not be served at the address provided by Plaintiff. (Dkt. No. 13.) The Court ordered Plaintiff to show cause as to why this case should not be dismissed *without prejudice* for inability to serve. (Dkt. No. 14.)

Plaintiff's response shows good cause to extend the time for service. (Dkt. Nos. 15, 16.) Defendant San Francisco Zen Center, Inc., which operates at the address where service on all four Defendants was attempted, updated its information on file with the California Secretary of State on or around August 11, 2021.¹ The filing changed its agent for service of process from Emily Diebolt to Michael McCord. Plaintiff also provides information suggesting that Mr. McCord replaced Ms. Diebolt as Chief Financial Officer on July 1, 2021. (Dkt. No. 15-4.) As such, the

¹ Plaintiff's response states that Exhibit 1 is Defendants' August 2021 filing and Exhibit 5 is Defendants' earlier filing. (Dkt. No. 15 at 2.) However, both exhibits are the earlier filing. (Dkt. Nos. 15-1, 15-5.) Nonetheless, the Court takes judicial notice of Defendants' August 2021 filing, available on the California Secretary of State website at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=01519793-31138864>. See *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1064 n.7 (9th Cir. 2008) (taking judicial notice of corporate filings).

U.S. Marshal attempted service on a date when Defendant's registered agent for service of process may no longer have worked for Defendant.

Additionally, Plaintiff provides more specific information about related addresses where Defendants may be served and times of day when service may be successful on Mr. McCord or two other corporate officers:

- 300 Page Street at 9:00 A.M. or 12:30 P.M. on weekdays,
- 304 Page Street (a residence) during business hours, and
- 308 Page Street (an office building) during business hours.

(Dkt. No. 15 at 2.) He indicates that Defendants have continued to operate during the pandemic despite being closed to the general public. (*See* Dkt. No. 14 at 1.)

For good cause shown, the Court extends the time for service. *See* Fed. R. Civ. P. 4(m). The U.S. Marshal or the Clerk's Office for the Northern District of California shall reattempt to serve, without prepayment of fees, the summons (Dkt. No. 10), complaint (Dkt. No. 1), screening order (Dkt. No. 9), order to show cause (Dkt. No. 14), Plaintiff's responses with all attachments (Dkt. Nos. 15, 15-1, 15-2, 15-3, 15-4, 15-5, 15-6, 16), and this order upon Defendants. *See* Fed. R. Civ. P. 4(c)(3).

The Court will hold an initial Case Management Conference on December 9, 2021 at 1:30 P.M., by Zoom videoconference. A joint case management statement is due on December 2, 2021.

IT IS SO ORDERED.

Dated: September 13, 2021


 JACQUELINE SCOTT CORLEY
 United States Magistrate Judge